

1 SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
2 Jason Yoon (SBN 306137)  
Kevin Hong (SBN 299040)  
3 101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
4 Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
5 scalequalaccess@yahoo.com

6 Attorneys for Plaintiff  
DEONDRE RAGLIN

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 DEONDRE RAGLIN,  
12 Plaintiff,

13 vs.

14  
15 G & M GAPCO, LLC; and DOES 1 to 10,  
16 Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

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23 Plaintiff DEONDRE RAGLIN ("Plaintiff") complains of Defendants G & M  
24 GAPCO, LLC; and DOES 1 to 10 ("Defendants") and alleges as follows:

25 **PARTIES**

26 1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
27 from paraplegia due to T8 spinal cord injury and is substantially limited in his ability to  
28 walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

1           2.     Defendants are, or were at the time of the incident, the real property owners,  
2 business operators, lessors and/or lessees of the real property for a gas station and  
3 convenience store (“Business”) located at or about 12726 S. Western Ave., Los Angeles,  
4 California.

5           3.     The true names and capacities, whether individual, corporate, associate or  
6 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
7 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
8 Court to amend this Complaint when the true names and capacities have been  
9 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such  
10 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
11 Plaintiff for the acts herein alleged.

12           4.     Plaintiff is informed and believes, and thereon alleges that, at all relevant  
13 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
14 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
15 the things alleged herein was acting with the knowledge and consent of the other  
16 Defendants and within the course and scope of such agency or employment relationship.

17           5.     Whenever and wherever reference is made in this Complaint to any act or  
18 failure to act by a defendant or Defendants, such allegations and references shall also be  
19 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
20 and severally.

### 21                                   **JURISDICTION AND VENUE**

22           6.     The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
23 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
24 *seq.*)

25           7.     Pursuant to pendant jurisdiction, attendant and related causes of action,  
26 arising from the same nucleus of operating facts, are also brought under California law,  
27 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
28 54, 54., 54.3 and 55.

1 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

2 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
3 property which is the subject of this action is located in this district, Los Angeles County,  
4 California, and that all actions complained of herein take place in this district.

5 **FACTUAL ALLEGATIONS**

6 10. In or about March of 2023, Plaintiff went to the Business.

7 11. The Business is a gas station and convenience store business establishment,  
8 open to the public, and is a place of public accommodation that affects commerce  
9 through its operation. Defendants provide parking spaces for customers.

10 12. While attempting to enter the Business during each visit, Plaintiff personally  
11 encountered a number of barriers that interfered with his ability to use and enjoy the  
12 goods, services, privileges, and accommodations offered at the Business.

13 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
14 included, but were not limited to, the following:

- 15 a. Defendants failed to comply with the federal and state standards for  
16 the parking space designated for persons with disabilities. Defendants  
17 failed to provide the parking space identification sign with the  
18 International Symbol of Accessibility.
- 19 b. Defendants failed to comply with the federal and state standards for  
20 the parking space designated for persons with disabilities. Defendants  
21 failed to post required signage such as "Van Accessible" and  
22 "Minimum Fine \$250."
- 23 c. Defendants failed to comply with the federal and state standards for  
24 the parking space designated for persons with disabilities. Defendants  
25 failed to mark the space with the International Symbol of  
26 Accessibility.
- 27 d. Defendants failed to comply with the federal and state standards for  
28 the parking space designated for persons with disabilities. Defendants

1 failed to provide an access aisle and the parking space with level  
2 surface slope as there were manholes creating uneven surfaces.

3 14. These barriers and conditions denied Plaintiff the full and equal access to the  
4 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
5 patronize the Business, however, Plaintiff is deterred from visiting the Business because  
6 his knowledge of these violations prevents him from returning until the barriers are  
7 removed.

8 15. Based on the violations, Plaintiff alleges, on information and belief, that  
9 there are additional barriers to accessibility at the Business after further site inspection.  
10 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-  
11 Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

12 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
13 knew that particular barriers render the Business inaccessible, violate state and federal  
14 law, and interfere with access for the physically disabled.

15 17. At all relevant times, Defendants had and still have control and dominion  
16 over the conditions at this location and had and still have the financial resources to  
17 remove these barriers without much difficulty or expenses to make the Business  
18 accessible to the physically disabled in compliance with ADDAG and Title 24  
19 regulations. Defendants have not removed such barriers and have not modified the  
20 Business to conform to accessibility regulations.

21 **FIRST CAUSE OF ACTION**

22 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

23 18. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
26 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
27 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
28

1 public accommodation by any person who owns, leases, or leases to, or operates a place  
2 of public accommodation. *See* 42 U.S.C. § 12182(a).

3 20. Discrimination, *inter alia*, includes:

- 4 a. A failure to make reasonable modification in policies, practices, or  
5 procedures, when such modifications are necessary to afford such  
6 goods, services, facilities, privileges, advantages, or accommodations  
7 to individuals with disabilities, unless the entity can demonstrate that  
8 making such modifications would fundamentally alter the nature of  
9 such goods, services, facilities, privileges, advantages, or  
10 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 11 b. A failure to take such steps as may be necessary to ensure that no  
12 individual with a disability is excluded, denied services, segregated or  
13 otherwise treated differently than other individuals because of the  
14 absence of auxiliary aids and services, unless the entity can  
15 demonstrate that taking such steps would fundamentally alter the  
16 nature of the good, service, facility, privilege, advantage, or  
17 accommodation being offered or would result in an undue burden. 42  
18 U.S.C. § 12182(b)(2)(A)(iii).
- 19 c. A failure to remove architectural barriers, and communication barriers  
20 that are structural in nature, in existing facilities, and transportation  
21 barriers in existing vehicles and rail passenger cars used by an  
22 establishment for transporting individuals (not including barriers that  
23 can only be removed through the retrofitting of vehicles or rail  
24 passenger cars by the installation of a hydraulic or other lift), where  
25 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 26 d. A failure to make alterations in such a manner that, to the maximum  
27 extent feasible, the altered portions of the facility are readily  
28 accessible to and usable by individuals with disabilities, including

1 individuals who use wheelchairs or to ensure that, to the maximum  
2 extent feasible, the path of travel to the altered area and the  
3 bathrooms, telephones, and drinking fountains serving the altered  
4 area, are readily accessible to and usable by individuals with  
5 disabilities where such alterations to the path or travel or the  
6 bathrooms, telephones, and drinking fountains serving the altered  
7 area are not disproportionate to the overall alterations in terms of cost  
8 and scope. 42 U.S.C. § 12183(a)(2).

9 21. Where parking spaces are provided, accessible parking spaces shall be  
10 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
11 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
12 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
13 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
14 be van parking space. 2010 ADA Standards § 208.2.4.

15 22. Under the ADA, the method and color of marking are to be addressed by  
16 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
17 Building Code (“CBC”), the parking space identification signs shall include the  
18 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
19 with a minimum area of 70 square inches. Additional language or an additional sign  
20 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
21 parking space identification sign shall be permanently posted immediately adjacent and  
22 visible from each parking space, shall be located with its centerline a maximum of 12  
23 inches from the centerline of the parking space and may be posted on a wall at the  
24 interior end of the parking space. See CBC § 11B-502.6, et seq.

25 23. Moreover, an additional sign shall be posted either in a conspicuous place at  
26 each entrance to an off-street parking facility or immediately adjacent to on-site  
27 accessible parking and visible from each parking space. The additional sign shall not be  
28 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in

1 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in  
2 designated accessible spaces not displaying distinguishing placards or special license  
3 plates issued for persons with disabilities will be towed always at the owner’s expense...”

4 See CBC § 11B-502.8, et seq.

5 24. Here, Defendants failed to provide the parking space identification sign with  
6 the International Symbol of Accessibility. In addition, Defendants failed to provide the  
7 signs stating “Minimum Fine \$250” and “Van Accessible.”

8 25. The surface of each accessible car and van space shall have surface  
9 identification complying with either of the following options: The outline of a profile  
10 view of a wheel chair with occupant in white on a blue background a minimum 36” wide  
11 by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum  
12 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the  
13 length of the parking space and its lower side or corner aligned with the end of the  
14 parking space length or by outlining or painting the parking space in blue and outlining  
15 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
16 occupant. See CBC § 11B-502.6.4, et seq.

17 26. Here, Defendants failed to paint the International Symbol of Accessibility on  
18 the surface as required.

19 27. Under the 1991 Standards, parking spaces and access aisles must be level  
20 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
21 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
22 shall be part of an accessible route to the building or facility entrance and shall comply  
23 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
24 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
25 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
26 directions. 1991 Standards § 4.6.3.

27 28. Here, the access aisle is not level with the parking space as there are  
28 manholes on the aisle that create an uneven surface. In addition, the parking space is not



1 level with the aisle as there is a manhole on the parking space that creates an uneven  
2 surface. Under the 2010 Standards, access aisles shall be at the same level as the parking  
3 spaces they serve. Changes in level are not permitted. 2010 Standards § 502.4. “Access  
4 aisles are required to be nearly level in all directions to provide a surface for transfer to  
5 and from vehicles.” 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is  
6 permitted.

7 29. A public accommodation shall maintain in operable working condition those  
8 features of facilities and equipment that are required to be readily accessible to and usable  
9 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

10 30. By failing to maintain the facility to be readily accessible and usable by  
11 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related  
12 regulations.

13 31. The Business has denied and continues to deny full and equal access to  
14 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
15 discriminated against due to the lack of accessible facilities, and therefore, seeks  
16 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
17 by individuals with disabilities.

## 18 **SECOND CAUSE OF ACTION**

### 19 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

20 32. Plaintiff incorporates by reference each of the allegations in all prior  
21 paragraphs in this complaint.

22 33. California Civil Code § 51 states, “All persons within the jurisdiction of this  
23 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
24 national origin, disability, medical condition, genetic information, marital status, sexual  
25 orientation, citizenship, primary language, or immigration status are entitled to the full  
26 and equal accommodations, advantages, facilities, privileges, or services in all business  
27 establishments of every kind whatsoever.”  
28





provided), telephone facilities, adoption agencies, private schools, hotels, loading places, places of public accommodations, amusement, or resort, and other places in which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

40. California Civil Code § 54.3(a) states, “Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000) and any attorney’s fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 54, 54.1, and 54.2.

41. California Civil Code § 54(d) specifies, “a violation of the right of an individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also constitute a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

42. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, and facilities by physically disabled persons within the meaning of California Civil Code § 54. Defendants have discriminated against Plaintiff in violation of California Civil Code § 54.

43. The violations of the California Disabled Persons Act caused Plaintiff to experience difficulty, discomfort, and embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

#### **FOURTH CAUSE OF ACTION**

#### **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

44. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1           45. Plaintiff and other similar physically disabled persons who require the use of  
 2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
 3 such facility is in compliance with the provisions of California Health & Safety Code §  
 4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
 5 provisions of California Health & Safety Code § 19955 et seq.

6           46. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
 7 that public accommodations or facilities constructed in this state with private funds  
 8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
 9 Title 1 of the Government Code. The code relating to such public accommodations also  
 10 require that “when sanitary facilities are made available for the public, clients, or  
 11 employees in these stations, centers, or buildings, they shall be made available for  
 12 persons with disabilities.

13           47. Title II of the ADA holds as a “general rule” that no individual shall be  
 14 discriminated against on the basis of disability in the full and equal enjoyment of goods  
 15 (or use), services, facilities, privileges, and accommodations offered by any person who  
 16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
 17 Further, each and every violation of the ADA also constitutes a separate and distinct  
 18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
 19 award of damages and injunctive relief pursuant to California law, including but not  
 20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## 21           **FIFTH CAUSE OF ACTION**

### 22           **NEGLIGENCE**

23           48. Plaintiff incorporates by reference each of the allegations in all prior  
 24 paragraphs in this complaint.

25           49. Defendants have a general duty and a duty under the ADA, Unruh Civil  
 26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
 27 to the Plaintiff.  
 28

